

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference K 1183 PCT	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/006688	International filing date (day/month/year) 21.06.2004	Priority date (day/month/year) 02.07.2003
International Patent Classification (IPC) or national classification and IPC B65G17/32, B65G17/06, B65G17/16		
Applicant KNAPP LOGISTIK AUTOMATION GMBH		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>3</u> sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input checked="" type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																									
<p>4. This report contains indications relating to the following items:</p> <table><tr><td><input checked="" type="checkbox"/></td><td>Box No. I</td><td>Basis of the report</td></tr><tr><td><input type="checkbox"/></td><td>Box No. II</td><td>Priority</td></tr><tr><td><input type="checkbox"/></td><td>Box No. III</td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td><input type="checkbox"/></td><td>Box No. IV</td><td>Lack of unity of invention</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. V</td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VI</td><td>Certain documents cited</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VII</td><td>Certain defects in the international application</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VIII</td><td>Certain observations on the international application</td></tr></table>		<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report																								
Name and mailing address of the IPEA/EP	Authorized officer																								
Facsimile No.	Telephone No.																								

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
 - ☐ international search (Rule 12.3 and 23.1(b))
 - ☐ publication of the international application (Rule 12.4)
 - ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
 - ☐ the international application as originally filed/furnished
 - ☒ the description:
 - pages 1-7 _____ as originally filed/furnished
 - pages* _____ received by this Authority on _____
 - pages* _____ received by this Authority on _____
 - ☒ the claims:
 - nos. _____ as originally filed/furnished
 - nos.* _____ as amended (together with any statement) under Article 19
 - nos.* 1-14 received by this Authority on 26.01.2005 with telefax
 - nos.* _____ received by this Authority on _____
 - ☒ the drawings:
 - sheets 1/3-3/3 _____ as originally filed/furnished
 - sheets* _____ received by this Authority on _____
 - sheets* _____ received by this Authority on _____
 - ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____
4. ☒ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages _____
 - ☒ the claims, nos. 1 _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	3, 4, 8, 9, 11, 13, 14	YES
	Claims	1, 2, 5-7, 10, 12	NO
Inventive step (IS)	Claims	4	YES
	Claims	1-3, 5-14	NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

This report refers to the following documents:

D1: US-A-4 930 623 (JOHNSON THOMAS A ET AL.) 5 June 1990 (1990-06-05)

D2: DE 20 45 802 A (NIELSEN & SON MASKINFAB) 1 April 1971 (1971-04-01).

1. The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claims 1, 2, 5-7, 10 and 12 is not novel within the meaning of PCT Article 33(2).

1.1 Document D1 (see fig. 11) discloses (the references in parentheses relate to this document):
a conveyor device (A) for conveying material (58) along a conveyor line with two lateral driven circulating conveyor chains (32), to which are coupled identical load-bearing elements which carry the material (58), the load-bearing elements being disposed in closely spaced succession along the conveyor chains (32) and substantially covering the conveyor chains (32), the load-

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>bearing elements having solely the carry function and the conveyor chains (32) exclusively the traction function, the load-bearing elements, which encompass and attach to both sides of the conveyor chains, having a one-piece design, a flat top and at least one lower slide face, and sliding on a stationary rail (36).</p> <p>The subject matter of claim 1 therefore is lacking in novelty (PCT Article 33(2)).</p> <p>1.2 As the features of dependent claims 2, 5-7, 10 and 12 are also known from D1, the subject matter of these claims also lacks novelty (PCT Article 33(2)).</p> <p>2.1 The combination of conveyor chain and load-bearing element coupled to the conveyor chain in document D1 (see fig. 11) is known in the prior art as an apron conveyor.</p> <p>The features of claims 3, 8, 9, 13 and 14 represent ordinary embodiments of the apron conveyor which in the present invention do not produce any new, surprising effect, and therefore the subject of these claims does not involve an inventive step (PCT Article 33(3)).</p> <p>2.2 D2 (see fig. 7) discloses the use of additional central conveyor chains for conveying numerous or heavy objects. The subject matter of claim 11 can therefore not be considered inventive (PCT Article 33(3)).</p>

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

3. Dependent **claim 4** meets the PCT requirements in respect of novelty and inventive step (PCT Article 33(2), (3)).

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

1. The amendments submitted to the International Bureau under PCT Article 19(1) introduce substantive matter that goes beyond the disclosure of the international application as filed. The amendment in question is the following:
"the load-bearing elements (3), which **encompass and attach to both sides of the conveyor chains (2)**, have a one-piece design..." (claim 1).